

Remarks

After entry of the present Amendment, claims 1-11 and 13-23 are pending in the present application. Claims 1, 3-6, 8, 10, 11, and 13-15 have been amended as part of this response. Claim 12 has been cancelled as part of this response. Claims 2, 7, and 9 remain unchanged by this response. Claims 16-23 have been added as part of this response. Support for new claims 16-23 is found throughout the application and no new matter is being introduced.

Claims 3-10 and 12-15 are objected to under 37 C.F.R. §1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Claims 1-2 and 11 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 3-6, 8, 10, and 13-15 have been amended to overcome the objection to claims 3-10 and 12-15 under 37 C.F.R. §1.75(c). Notably, claim 3 as originally presented referred to other claims in the alternative and therefore should have been examined. However, in an effort to expedite prosecution, claim 3 is currently amended to take a form explicitly presented in MPEP §608.01(n). In light of the amendments to claims 3-6, 8, 10, and 13-15, Applicant respectfully submits that the objections under 37 C.F.R. §1.75(c) have been overcome.

With respect to the rejection of claims 1-2 and 11 under §112, second paragraph, the Applicant respectfully submits that claims 1, 2, and 11 as currently presented would be clear to a person of ordinary skill in the art. Therefore, the Applicant respectfully submits that the rejection under §112, second paragraph should be removed.

The Examiner states that the claims fail to conform to current U.S. practice and are “replete with grammatical and idiomatic errors.” Claims 1 and 11 have been amended to remove the use of the term “in particular” to conform to U.S. practice. However, Applicant’s Attorney cannot find any further grammatical and idiomatic errors referred to by the Examiner even after a thorough review of the remainder of claims 1 and 11 and also all of the dependent claims. In accordance with 37 CFR 1.104, an Office Action is to be complete as to all

matters. The Examiner has failed to completely and accurately explain the grammatical and idiomatic errors subject to the §112 rejection such that the current rejection creates substantial confusion. Claims 1-11 and 13-23, as currently presented, conform to U.S. practice and do not contain grammatical or idiomatic errors and these claims should not be rejected under §112 for such reasons.

Further, the Examiner states that a claim in which one ingredient is defined so broadly that it reads upon a second does not meet the requirements of §112. Referring to MPEP §2173.05(g), there is nothing inherently wrong with defining some part of an invention in functional terms. A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. With respect to claims 1 and 11, the treatment liquid comprises two different groups of substances: 1) one or more substances capable of conferring, on said coat, properties of adherence to the substrate and film-forming, corrosion-inhibiting and hydrophilic properties; and 2) one or more substances capable of conferring, on said coat, antimicrobial properties. Each of these two groups is clearly identified by their function. Substances of the first group have specified properties and substances of the second group have specified properties which are different than those of the first group. A person of ordinary skill in the pertinent art would understand the meaning of these elements of the claim.

Further, the Examiner states that the claimed ratio would be meaningless because the one or more substances having film-forming, corrosion-inhibiting and hydrophilic properties can also be capable of conferring antimicrobial properties. To the contrary, a person of ordinary skill in the art would clearly understand that the two groups are completely different and that each group includes different chemicals. In addition, the specification clearly sets forth a description of the “substance capable of conferring, on said coat, properties of adherence to the substrate and film-forming, corrosion-inhibiting and hydrophilic properties” and the “substance capable of conferring antimicrobial properties.”

Finally, the Examiner states that it is unclear which substance represents the 2 and

which substance represents the 100 in claims 1 and 11. It is clear from the language of claims 1 and 11 that in the ratio by weight of “less than or equal to 2/100,” as claimed in claims 1 and 11, the weight of the “substances capable of conferring adherence properties and film-forming, corrosion-inhibiting and hydrophilic properties” is in the numerator and the weight of the “substances capable of conferring antimicrobial properties” is in the denominator. Notably, the Applicant faced similar rejections discussed above in European prosecution and the European Examiner accepted remarks similar to those set forth above. Further, in view of the forgoing, the Applicant respectfully submits that amended claims 1 and 11 are definite and particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As such, the rejection under §112 should be removed.

It is respectfully submitted that independent claims 1 and 11 and the claims that depend therefrom, are both novel and non-obvious such that these claims are in condition for allowance, which allowance is respectfully requested. Since June 21, 2008 was a Saturday and June 22, 2008 was a Sunday, this Amendment is considered timely filed. The Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C. for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

Dated: June 23, 2008

/Christopher M. Francis/

Christopher M. Francis, Registration No. 59,511
The Pinehurst Office Center
39400 Woodward Avenue, Suite 101
Bloomfield Hills, MI 48304-5151
(248) 723-0392